

MR. AND MRS. GEORGE HOLDEN

APRIL 23, 1958.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 8875]

The Committee on the Judiciary, to whom was referred the bill (H. R. 8875) for the relief of Mr. and Mrs. George Holden, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to provide that Mr. and Mrs. George Holden of Poplarville, Miss., are to be considered to have been receiving compensation under section 10 (E) of the Federal Employees' Compensation Act on July 28, 1945, as the result of the death of their daughter Myrtle Holden, for the purposes of section 5 (a) (3) of the act of July 28, 1945.

STATEMENT

Prior to its amendment by the act of July 28, 1945, the Federal Employees' Compensation Act provided for death benefits for parents and certain dependents which were limited to 8 years from the date of death. The act of July 28, 1945, provided that benefits would be paid until the parent died, married, or ceased to be dependent. The amendment was specifically made applicable to any case in which the beneficiary (1) was receiving compensation or whose claim was in the process of initial adjudication on the date of the approval of the act, or (2) whose compensation had been terminated by reason of the limitation provision of section 10 (g) within 3 years prior to the date of approval and who was found to be suffering hardship at the time of approval by reason of such termination.

Mr. and Mrs. George Holden, the claimants named in H. R. 8875, were awarded compensation under the Federal Employees' Compensation Act as partially dependent parents of their daughter who died July 23, 1934. The daughter died as the result of pulmonary tuberculosis proximately caused by her employment as a nurse in the Public Health Service. Each parent was granted \$12 a month for the maximum statutory period of 8 years under the then applicable law. That award terminated on July 23, 1942. The terminal date of the award was 5 days more than the 3 years prior to the amendment of July 28, 1945, referred to above. The Department of Labor, in its report to the committee on the bill, objects that granting the relief provided for in the bill would grant preferential treatment to Mr. and Mrs. George Holden since it would not be available to other similarly situated claimants. However, the committee has determined that under the circumstances outlined above the relief should be granted. Accordingly the committee recommends that the bill be considered favorably.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, September 11, 1957.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN CELLER: This is in response to your request for July 25, 1957 for my views on H. R. 8875, a bill for the relief of Mr. and Mrs. George Holden.

This bill provides that for the purposes of section 5 (a) (3) of the act of July 28, 1945 (Public Law 161, 79th Cong.), Mr. and Mrs. George Holden, Poplarville, Miss., shall be held and considered to have been receiving compensation under section 10 (E) of the Federal Employees' Compensation Act (on account of the death of their daughter Myrtle Holden) on July 28, 1945. The bill further provides that no compensation shall be payable by reason of the enactment of this act for any period prior to its enactment.

Under the provisions of the Federal Employees' Compensation Act, prior to its amendment by the act of July 28, 1945, the compensation award for death benefits for parents and certain other dependents was limited to 8 years from the date of death. The act of July 28, 1945, provided that benefits shall be paid until the parent dies, marries, or ceases to be a dependent. The amendment was specifically made applicable to any case in which the beneficiary (1) was receiving compensation or whose claim was in the process of initial adjudication on the date of the approval of the act, or (2) whose compensation had been terminated by reason of the limitation provision of section 10 (g) within 3 years prior to the date of approval and who was found to be suffering hardship at the time of approval by reason of such termination.

The records of the Bureau of Employees' Compensation of this Department indicate that the Mr. and Mrs. Holden were awarded compensation under the Federal Employees' Compensation Act as partially dependent parents of their daughter, who died July 23, 1934. The decedent's death was a result of pulmonary tuberculosis proxi-

mately caused by her employment as a nurse in the Public Health Service.

Under the terms of the award, each parent was granted \$12 per month for the maximum statutory period of 8 years as provided by the act at that time. The award terminated with final payment effective July 23, 1942. It is to be noted that the terminal date of the award was 5 days more than 3 years prior to the enactment of Public Law 161. Therefore, the benefits extended by the amendment were not applicable to this case. The purpose of the proposed bill is to waive the time limitations of the amendment and reinstate prospectively the award of death benefits to the parents of the deceased employee.

The effect of H. R. 8875 would be to accord preferential treatment to Mr. and Mrs. Holden over other claimants similarly situated. For this reason I would be opposed to enactment of this bill unless Congress finds extenuating circumstances justifying an exception in favor of these claimants.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

JAMES T. O'CONNELL,
Acting Secretary of Labor.

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mainly caused by her employment as a nurse in the Public Health Service.

Under the terms of the award, as a parent was awarded \$12 per month for the two-year period of 8 years, as provided by the act at that time. The award was made with the understanding that it was to be paid until the expiration date of the award was 8 years hence, that is, until the expiration of Public Law 161. Therefore, the benefits provided by the award were not applicable to this case. The purpose of the award is to waive the time limitations of the award and to provide prospectively the award or death benefits to the parents of the deceased employee.

The effect of P.L. 161 would be to award prospective benefits to Mr. and Mrs. Heiden over other employees who were awarded benefits. For this reason, it would be opposed to enactment of the bill unless Congress fully extending its assistance in providing an extension in favor of these employees.

The Board of the Public Health Service has no objection to the submission of this award.

Very truly yours,
James T. O'Connor,
Director, Bureau of Labor.